

DIRECTORS MEMORANDUM

Date: June 17, 2013

SUBJECT: **TITLE VI - LIMITED ENGLISH PROFICIENCY**

For Attention of: Division Administrators
Program Managers

Date of Review: January 18, 2011

The State of Utah Department of Transportation (UDOT) is committed to compliance with Title VI of the Civil Rights Act of 1964 and Executive Order 13166 of August 2011 to improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP).

Therefore, in accordance with Presidential Executive Order 13166 – *Improving Access to Services for Persons with Limited English Proficiency (LEP)*, UDOT is committed to taking the steps necessary to provide meaningful access to its services, programs and activities for people with limited English proficiency. Direction and guidance can be found in UDOT's Limited English Proficiency Plan at <http://www.udot.utah.gov/go/TitleVI>.


The Department has, as a normal part of doing business, committed to ensuring publications intended for public outreach or public involvement, where appropriate, will be also offered in Spanish (Utah's largest LEP population).

Specifically, All DOT Subrecipients, Grantees, Division Administrators, and Program Managers shall:

- be responsible for becoming familiar with LEP compliance requirements;
- evaluate their respective program areas to determine and document the frequency and nature of public contact;
- evaluate current practices to determine what opportunities exist for improved services to LEP populations;
- develop written procedures where needed, to ensure consistent service delivery;
- orient new employees as to compliance with LEP requirements; and, report LEP related data annually to the Civil Rights Office.
- Report LEP related data every three years to the Civil Rights Office for FTA .

Civil Rights Office staff shall:

- in coordination with Division Administrators and Program Managers, determine the most appropriate level and type of language assistance to provide;
- provide training and technical assistance in understanding and implementing LEP requirements;
- provide assistance in evaluating local population demographics to determine compliance requirements;
- collect LEP related data for Federal reporting purposes;
- respond to and investigate all complaints.



Carlos M. Bracer, P.E.

EXECUTIVE ORDER 13166

Executive Order 13166--Improving Access to Services for Persons With Limited English Proficiency

Department of Justice

Enforcement of Title VI of the Civil Rights Act of 1964--National Origin Discrimination Against Persons With Limited English Proficiency; Notice

Presidential Documents

The President

Executive Order 13166 of August 11, 2000

Improving Access to Services for Persons With Limited English Proficiency

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP), it is hereby ordered as follows:

Section 1. Goals.

The Federal Government provides and funds an array of services that can be made accessible to otherwise eligible persons who are not proficient in the English language. The Federal Government is committed to improving the accessibility of these services to eligible LEP persons, a goal that reinforces its equally important commitment to promoting programs and activities designed to help individuals learn English. To this end, each Federal agency shall examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the agency. Each Federal agency shall also work to ensure that recipients of Federal financial assistance (recipients) provide meaningful access to their LEP applicants and beneficiaries. To assist the agencies with this endeavor, the Department of Justice has today issued a general guidance document (LEP Guidance), which sets forth the compliance standards that recipients must follow to ensure that the programs and activities they normally provide in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations. As described in the LEP Guidance, recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

Sec. 2. Federally Conducted Programs and Activities.

Each Federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities. Agencies shall develop and begin to implement these plans within 120 days of the date of this order, and shall send copies of their plans to the Department of Justice, which shall serve as the central repository of the agencies' plans.

Sec. 3. Federally Assisted Programs and Activities.

Each agency providing Federal financial assistance shall draft title VI guidance specifically tailored to its recipients that is consistent with the LEP Guidance issued by the Department of Justice. This agency-specific guidance shall detail how the general standards established in the LEP Guidance will be applied to the agency's recipients. The agency-specific guidance shall take into account the types of services provided by the recipients, the individuals served by the recipients, and other factors set out in the LEP Guidance. Agencies that already have developed title VI guidance that the Department of Justice determines is consistent with the LEP Guidance shall examine their existing guidance, as well as their programs and activities, to determine if additional guidance is necessary to comply with this order. The Department of Justice shall consult with the agencies in creating their guidance and, within 120 days of the date of this order, each agency shall submit its specific guidance to the Department of Justice for review and approval. Following approval by the Department of Justice, each agency shall publish its guidance document in the Federal Register for public comment.

Sec. 4. Consultations.

In carrying out this order, agencies shall ensure that stakeholders, such as LEP persons and their representative organizations, recipients, and other appropriate individuals or entities, have an adequate opportunity to provide input. Agencies will evaluate the particular needs of the LEP persons they and their recipients serve and the burdens of compliance on the agency and its recipients. This input from stakeholders will assist the agencies in developing an approach to ensuring meaningful access by LEP persons that is practical and effective, fiscally responsible, responsive to the particular circumstances of each agency, and can be readily implemented.

Sec. 5. Judicial Review.

This order is intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers or employees, or any person.

(Presidential Sig.)
THE WHITE HOUSE,
August 11, 2000.

LIMITED ENGLISH PROFICIENCY

Limited English Proficiency (LEP) refers to individuals who do not speak English as their primary language and who also may have limited ability to read, write, or understand the English language at a level that permits them to interact effectively.

The diversity of Utah's population continues to grow and change. Census Bureau statistics for 2000 show that nearly 5.2% of the population in Utah identified themselves as someone who speaks English less than "very well". There are 19 Utah counties with LEP populations at 5% or above. This population statistic is only likely to grow in the future. Therefore, it is critical that the Utah Department of Transportation (UDOT) be innovative and proactive in engaging people from different cultures, backgrounds and businesses in the public involvement aspect of planning and project development and other program areas or services involving the public.

For a better understanding of terms, *translation* is the process of transferring ideas expressed in writing from one language to another language. *Interpretation* is the process used to orally transfer meaning between languages. In either case, language is not translated or interpreted word for word as there is often not a literal word for word match between languages. Instead, the exchange normally involves the idea or concept that needs to be expressed.

Authority and Guidance

Title VI of the Civil Rights Act of 1964 and its implementing regulations require recipients of federal funds take responsible measures to ensure meaningful access to benefits, services, information and other important portions of programs and activities are available for individuals who are LEP.

The 1987 Civil Rights Restoration Act broaden the coverage of Title VI to include all of a federal fund recipient's programs and activities, whether they are federally funded or not. These requirements filter down through UDOT to all subrecipients including contractors, Metropolitan Planning Organizations, Local Governments, and Transit Authorities doing business on behalf of UDOT.

President Executive Order (EO) 13166 – Improving Access to Services for Person with Limited English Proficiency is directed at implementing the protections afforded by Title VI of the Civil Rights Act of 1964 and related regulations. LEP sets forth compliance standards that recipients of federal funds must follow to ensure that the program and activities they normally provide in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of Title VI of the Civil Rights Act of 1964, as amended, and its implemented regulations. Recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

The following federal publications provide implementing guidance:

- US Department of Transportation Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons, Federal Register/Vol. 70, No. 239/December 2005
- US Department of Justice Policy Guidance, Enforcement of Title VI of the Civil Rights Act of 1964-National Origin Discrimination Against Persons With Limited English Proficiency, Federal Register/Vol. 65, No. 159, August 2000, www.usdoj.gov/crt/cor/
- US Department of Justice Clarifying Memo, dated October 26, 2001, www.usdoj.gov/crt/cor/lep/Oct26/

The following matrix illustrates legal and policy considerations that require UDOT to provide LEP persons with meaningful access to programs, activities and services:

Title VI of the Civil Rights Act of 1964	Limited English Proficiency Executive Order 13166
Federal Law	Federal Policy
Enacted July 2, 1964	Signed August 11, 2000
Considers all persons	Considers eligible population
Contains monitoring and oversight compliance review requirements	Contains monitoring and oversight requirements
Factor criteria is required, no numerical or percentage thresholds	Factor criteria is required, no numerical or percentage thresholds
Provides protection on the basis of race, color and national origin	Provides protection on the basis of national origin
Focuses on eliminating discrimination in federally funded programs	Focuses on providing LEP persons with meaningful access to services using factor criteria
Annual Accomplishment and Upcoming Goals Report to the U.S. Department of Transportation	Annual Accomplishment and Upcoming Goals Report to the U.S. Department of Transportation

It is critical that UDOT is innovative and proactive in engaging individuals from different cultures, backgrounds and businesses in planning, project development and other program areas.

Providing Language Assistance

Costs for providing language assistance may not be passed on to the customer. With the exception of translating written materials, the cost of language assistance is generally fairly minimal.

Some options for providing assistance include:

- Bilingual staffing
- Telephone interpretation

Studies have shown that when LEP individuals fail to access important services or programs due to language barriers, the result may be that they have even more difficulty learning English than those who are provided language assistance.

- Volunteer interpreters from community minority organizations
- Qualified paid interpreters
- Use 'I Speak' cards to identify languages
- Translate vital documents

LEP persons are not obligated to provide their own interpreter, although many do so. In some program areas it may be important for legal or safety reasons to provide a qualified outside interpreter rather than use a family member or friend of the LEP person.

Training staff on the procedures of providing language assistance and how to determine whether and what type of language services a customer needs, is essential to bridging the gap between policies or procedures and actual practices. Training should include how to obtain language assistance services and how to communicate needs to interpreters and translators. Providing language assistance in some program areas may also mean training staff to avoid using acronyms or industry jargon when communicating with LEP individuals.

Although the use of an interpreter who is qualified is essential, it does not necessarily mean formal certification as an interpreter is required. Certification may be helpful, but at a minimum, a qualified paid interpreter needs to:

- Be proficient in and have the ability to communicate accurately in both English and in the other language, as well as employ the appropriate mode of interpreting (e.g. consecutive, simultaneous, summarization, or sight translation).
- Have knowledge in both languages of any specialized terms or concepts peculiar to the program.
- Understand and follow confidentiality and impartiality rules to the same extent as the UDOT or subrecipient employee for whom they are interpreting or to the extent that their position requires.
- Understand and adhere to their role as interpreter without deviating into a role as counselor, legal advisor, or other inappropriate role.

Language is not translated or interpreted word for word as there is often not a literal word for word match between languages. Instead, the exchange normally involves the idea or concept that needs to be expressed.

Language services should be provided at a time and place that avoids the effect of denying access to the service or benefit of the program. However, in some situations it may be reasonable to ask the LEP individual to return at a specified date and time to allow time to arrange for interpreter services.

Because LEP persons can file a complaint on the basis of national origin, staff should be trained on how to properly handle a Title VI complaint (see Attachment B – Title VI Complaint Process).

Providing Notice to LEP Persons

Once it has been determined, based on your self-assessment that you must provide language services, it is important to let LEP persons know that those services are available and that they are free of charge. This information should be provided in a notice in a language LEP persons will understand. Some notification ideas include:

- Posting signs in areas where the public is likely to read them.
- Stating in outreach documents (brochures, booklets, pamphlets, flyers) that language services are available.
- Working with community-based organizations to inform LEP persons of the language assistance available.
- Using a telephone voice mail menu in the most common languages encountered.
- Including notices in local newspapers in languages other than English.
- Providing notices in non-English language radio and television stations about the availability of language assistance services for important events.
- Presentations and/or notices at schools and religious organizations for important events or where community involvement is critical.

Translation of Vital Documents into Languages Other than English

Some UDOT DOT program areas require interaction with the public as a part of daily operations and include contact with one or more LEP populations. If this interaction includes letters or notices, or forms, applications, study guides or tests, and the nature of these documents would be considered of critical importance to the LEP person, consideration should be given to written translation of the documents or forms.

It is important to make an assessment as to the population percentage, and the frequency and importance of the contact while considering the potential for translating these documents. The program areas most likely to encounter the need to translate vital documents are public involvement, right-of-way acquisition and motor vehicles.

Examples of vital documents that require consideration for translation in Spanish (Utah's largest LEP population):

- Driver's license and automobile registration forms.
- Violation or deficiency notices.
- Bus schedules and route service information.
- Emergency transportation information.
- Notices of proposed public hearings regarding proposed transportation plans, projects, or changes.
- Notices of reduction, denial, or termination of services or benefits.
- Signs in reception areas and other points of initial entry.
- Notices advising LEP persons of free language assistance.
- Statements about the services available and the right to free language assistance services in brochures, booklets, outreach and recruitment information, and other materials routinely disseminated to the public.
- Written tests that do not assess English-language competency, but test competency for a particular license, job or skill for which knowing English is not required.
- Applications or instructions on how to participate in a program or activity or to receive benefits or services.
- Consent forms.

Whether or not a document (or the information it solicits) is "vital" will depend on the importance of the program, information, encounter, or service involved, and the consequence to the LEP person if the information in question is not accurate or timely. For instance, applications for a bicycle safety course should not generally be considered vital, although access to driving handbooks could be. Where appropriate, program managers are encouraged to create a plan for consistently determining, over time and across their various activities, what documents are "vital" to the meaningful access of the LEP populations they serve.

UDOT has made the conscious choice to offer all public outreach and public involvement publications in English and Spanish

Classifying a document as vital or non-vital is sometimes difficult, especially in the case of outreach materials like brochures or other information on rights and services. Awareness of rights and services is an important part of "meaningful access", as a lack of awareness may effectively deny LEP individuals meaningful access. Where program managers are engaged in community outreach efforts as part of their programs and activities, they should regularly assess the needs of the populations frequently encountered or affected by the program to determine whether certain critical outreach materials should be translated. Community organizations may be helpful in determining what outreach materials may be most helpful to translate, and some

translations may be made more effective when done in tandem with outreach methods including using ethnic media, schools and religious and community organizations to spread a message.

Sometimes a very large document may include both vital and non-vital information. This may also be the case when the title and a phone number for obtaining more information on the contents of the document in frequently encountered languages other than English is critical, but the document is sent out to the general public and cannot reasonably be translated into many languages. In a case like this, vital information may include, for instance, providing information in appropriate languages regarding where an LEP person might obtain an interpretation or translation of the document.

Language Assistance Resources

- ‘I Speak’ language identification cards to identify specific languages (see Attachment C). ‘I Speak’ cards can be downloaded at <http://www.usdoj.gov/crt/cor/13166.htm>
- Language Line – 1-877-261-6608. This resource offers interpreter services for more than 150 languages. Use of the line requires setting up an account for billing the calls which are charged by the minute. In addition to interpreting for a customer who is physically present, it can also be used to place calls to LEP persons. Customer service is 1-800-752-6096, ext. 1.
- Institutions of higher education, hospitals, law enforcement and minority community organizations are excellent sources for identifying interpreters and translators in your area.

How LEP Affects UDOT

EO 13166 directs recipients of federal financial assistance to take reasonable steps to provide LEP individuals with meaningful access to their programs, activities and services. The key to providing meaningful access for LEP persons is to ensure that effective communication exists between the service provider and the LEP person.

To accomplish effective communication, the Department will perform the following actions:

- Conduct a needs assessment
- Provide for oral and written language assistance
- Notify LEP customers of the availability of language assistance services
- Translate vital documents in languages other than English
- Train staff
- Monitor and update the LEP Plan
- Voluntarily comply with efforts

FOUR FACTOR ANALYSIS

To identify Utah's LEP needs, a four factor analysis was conducted that analyzed the following:

1. The number and proportion of LEP persons served or encountered in eligible service populations.
2. The frequency with which LEP individuals come into contact with programs, activities or services.
3. The importance of our programs, activities and services to LEP persons.
4. The resources available to recipients and the costs.

Factor 1 – LEP Persons Served

According to 2010 U.S. Census data, Utah's population has increased in each of the below listed races, with the most significant increase occurring in the Hispanic or Latino population that between 2000 and 2010.

The following table provides a breakdown of Utah's population by race:

2010 Utah State Population by Race

Race	Percent of Population	Change from 2000 to 2010
White alone	86.1%	19.4%
Black or African American alone	1.1%	65.9%
American Indian and Alaska Native alone	1.2%	10.9%
Asian alone	2.0%	49.0%
Native Hawaiian and Other Pacific Islander alone	0.9%	62.1%
Some Other Race alone	6.0%	78.5%
Two or More Races	2.7%	60.0%
Hispanic or Latino	13.0%	77.8%
Not Hispanic or Latino	87%	18.4%

Source: 2010 U.S. Census Data: <http://2010.census.gov/2010census/data/>

The following table exhibits the breakdown of Utah's population according to the 2000 U.S. Census data:

2000 Utah's Population 5 Years and Over

Who Speak English less than "very well"

Language	Percent of Population	Total
Spanish	3.5%	71,405
Indo European	0.7%	13,156
Asian and Pacific Island	0.8%	16,310

Source: 2000 U.S. Census Data: <http://censtats.census.gov/data/UT/04029>

The U.S. Census data from 2005-2009 shows the geographic area of each region in the state Utah as well as indicate that 5.5 of Utah's population speaks a language other than English. The asterisk by the percentages shows potentially higher LEP impact areas for those counties in the regions listed below.

2005-2009 Utah Counties with Significant LEP Populations

Geographic Area	Total	Population 5 years and over -- Percent who speak a language other than English at home	
		Percent of Total	Speak English less than "very well" Percent
UTAH	2,392,212	13.8	5.5*
REGION 1			
Box Elder	43,479	8.4	2.5
Cache	98,013	14.7	4.7*
Davis	235,457	8.5	2.6
Morgan	7,692	3	0.6
Rich	1,908	2.6	0.4
Weber	201,935	12.9	6.4*
REGION 2			
Salt Lake	907,625	18.6	8.1*
Summit	32,970	11.5	7.0*
Tooele	48,788	8.9	2.2
REGION 3			
Daggett	723	6.5	0.6
Duchesne	14,684	3.8	0.6
Juab	8,632	5.3	0.9

Uintah	26,131	6.3	1.4
Utah	447,242	11.6	4.0
Wasatch	18,313	12	3.7
REGION 4			
Beaver	5,540	10.3	4.7*
Carbon	17,959	7	1.4
Emery	9,528	4.9	2
Garfield	4,158	4.7	0.5
Grand	8,746	9.6	4.6*
Iron	38,517	8.5	2.8
Kane	5,999	3.6	0.5
Millard	11,004	15.4	7.0*
Piute	1,417	3.6	0.5
San Juan	13,182	49.3	13.9*
Sanpete	22,640	10.8	4.7*
Sevier	17,891	5.6	1.1
Washington	117,905	9.4	3.9
Wayne	2,308	5.8	2.9

* Percentages of 4.7 and higher reflect the counties that have high volumes of LEP populations.

2010 Race/Nationalities by Counties and UDOT Regions

Geographic Area	White	Black	Hispanic or Latino	American Indian & Alaskan Native	Asian	Native Hawaiian & Other Pacific Islander	Two or More Races	Hispanic, White Alone
	%	%	%	%	%	%	%	%
UTAH	86.1	1.1	13	1.2	2	0.9	2.7	80.4
REGION 1								
Box Elder	91.8	0.3	8.3	0.8	0.9	0.2	2.2	88.3
Cache	89.1	0.6	10	0.6	1.9	0.4	1.9	85.5
Davis	90	1.2	8.4	0.5	1.8	0.6	2.7	85.8
Morgan	97.5	0.2	2.4	0.2	0.4	0.1	1	96.1
Rich	97	0	4.2	0.7	0.3	0	1.2	94.1
Weber	86.2	1.4	16.7	0.8	1.3	0.3	3	78.1
REGION 2								
Salt Lake	81.2	1.6	17.1	0.9	3.3	1.5	3.1	74
Summit	90.5	0.4	11.5	0.3	1.2	0.1	1.6	85.4
Tooele	90.7	0.7	11.4	1	0.6	0.4	2.8	84.5
REGION 3								
Daggett	95.9	0.4	3.1	0.8	0.4	0.1	1	94.4
Duchesne	89.2	0.2	6	4.5	0.3	0.3	2.9	87.1

Juab	95.9	0.2	3.7	0.9	0.2	0.1	1.5	94
Uintah	86.6	0.4	7.1	7.7	0.5	0.2	2.3	82.8
Utah	89.4	0.5	10.8	0.6	1.4	0.8	2.7	84.2
Wasatch	90.4	0.3	13.5	0.5	0.8	0.1	1.4	84.2
REGION 4								
Beaver	89	0.2	10.8	1.1	1.1	0.3	1.4	86
Carbon	92.3	0.4	12.4	1.2	0.6	0.1	2.4	84.1
Emery	93.9	0.2	6	0.7	0.3	0.1	0.9	92.1
Garfield	94.1	0.4	4.5	1.6	1.2	0.2	0.9	91.6
Grand	89	0.3	9.6	4.1	0.8	0	2	84.1
Iron	90.7	0.5	7.7	2.2	0.8	0.3	2.3	87.1
Kane	95.7	0.2	3.7	1.5	0.4	0	1.3	93.2
Millard	87.6	0.1	12.8	1	0.6	0.1	1.5	84.7
Piute	94.7	0.1	7	0.3	0.4	0.1	1.3	91.2
San Juan	45.8	0.2	4.4	50.4	0.3	0	2.3	43.9
Sanpete	90.4	0.8	9.4	1.1	0.5	0.5	1.8	86.7
Sevier	94.9	0.2	4.5	1.1	0.3	0.2	1.5	92.9
Washington	89.7	0.6	9.8	1.4	0.7	0.8	2.3	85.6
Wayne	94.8	0.1	4.2	0.5	0.7	0.1	1.7	93.4

Factor 2 – Frequency of Contact

The Department has not surveyed high volume areas regarding the frequency of contact with LEP populations. The LEP toolkit does have a survey form in the packet to be completed by the employees when assisting LEP individuals. Training was provided to employees in regards to the contents in the LEP toolkit and how to use the forms. The training was done through the federal 6-Pack training, staff meeting training on the LEP toolkit and employees in high profile areas received individual training. The toolkits have been distributed within the UDOT Complex, the UDOT Region Offices, MPO's and subrecipients. There have been no LEP individuals identified as of yet.

Factor 3 – Level of Importance

The Department will work to identify programs or activities in which serious consequences could occur should a language barrier exist. This will be done in two ways:

- The Department will internally conduct an evaluation of all programs and services and assess the possible impact on actual and potential beneficiaries.
- The Department will increase the gathering, reporting and tracking of feedback received from community organizations that serve LEP persons and contact with LEP individuals, to further reveal areas with potentially serious consequences due to language barriers.

The Department will gather information regarding public outreach meetings and activities and proactively engages minority and low-income populations. However, efforts can and will be improved by increasing the use of translated materials, such as radio announcements, posters and brochures. By growing our communication with LEP populations, we will increase feedback received from LEP individuals, which will help to identify critical service areas that could have serious consequences for LEP individuals should a language barrier exist. The Department is taking action to close language barriers and will aggressively address those found to have serious consequences.

Due to the oversight capacity in which the Department serves, we will work closely with sub-recipients of federal transportation funds, such as public transit agencies and metropolitan planning organizations, to ensure they provide meaningful access to LEP individuals and evaluate areas for potential serious consequences. As part of the Department's oversight responsibilities, resources and guidance has been and will continue to be provided to sub-recipients. In addition, monitoring of sub-recipients improvement will be conducted during assessments, compliance reviews and through the use of surveys. This data will be analyzed and result in identifying programs and services that need language barriers removed, including specific transit routes.

It should be noted that as of June 2011, UDOT has not gathered specific data regarding particular transit routes with language barriers. Although the Department will do so in the future, specific route information is not available at this time.

Factor 4 – Available Resources to Recipients and the Costs

The Department offers a variety of language assistance services to recipients. Language assistance cards called "I Speak Cards" are available and used to assist personnel in identifying an LEP person's language. The Department's translator's list utilizes bilingual staff that is available to provide translation services that include a translation hotline, face to face translation and document translation services.

Conclusions and Recommendations

After analysis of Utah's population, the significant LEP populations and those persons seeking services, it was determined that there is a significant Spanish speaking population within the state needing meaning access to services and programs. Numerous other language speaking individuals are encountered but at much lesser frequency.

Language Assistance (Oral and Written)

The Department is able to meet the needs of most LEP individuals by providing language assistance through the use of bilingual staff, telephone translation and face to face translation services. However, further translation of pertinent documents to Spanish is needed to ensure meaningful access to services and programs by the growing Hispanic community. The Department continues to work to identify written documents and materials to be translated to Spanish. Currently the Title VI Complaint form and Policy Statement has been translated into Spanish and can be found on the UDOT website at www.udot.utah.gov/go/titleVI.

Although not a comprehensive list, Department employees have been identified individuals who are able to provide language assistance to persons that speak limited English. The LEP toolkit, which includes a copy of the translator's list, has been distributed to subrecipients and high traffic areas within UDOT for reference when working with LEP person(s). This information is also listed on the UDOT website at www.udot.utah.gov/go/titleVI.

If further translation services are needed, an over the telephone foreign language interpretation service vendor can be utilized. For face to face verbal language interpreter services and written language translation services, a variety of vendors are available for use. Employees review the statewide contracts on a case by case basis to determine the appropriate vendor.

The Department continues to identify documents needing translation to Spanish and will make such documents available to the Hispanic community. Furthermore, the Department will continue to monitor document translation needs for other LEP populations and attempt to provide translated documents as needed. The Department will continue to guide and monitor subrecipients to ensure meaningful access is provided to LEP persons. Subrecipients use the translator's list from the LEP toolkit provided to them. Title VI posters have been translated in to Spanish and have been distributed to all subrecipients to display in their offices, buses and bulletin boards. The poster is located on the UDOT website at www.udot.utah.gov/go/titleVI.

Notification of Language Assistance

Information regarding free language assistance is and will continue to be posted in public areas within UDOT, its regions, the UDOT website and distributed to subrecipients. Documents that are posted include the Title VI poster, Title VI brochure, Subrecipient brochure and the LEP brochure. These documents are also available on the UDOT website at www.udot.utah.gov/go/titleVI. The Department continues to work with subrecipients to ensure through on-site reviews that they also post free language assistance notices in Spanish and English.

The Department will notify the Hispanic community that they have the right to free language assistance that includes documents and/or materials printed in the Spanish language. Notification regarding the availability of services will be provided through neighborhood community meetings, brochures, minority newspapers, and information disseminated to the public by the Department. Detailed information on how the Hispanic community notified of the right to free language assistance will be provided in the Department's annual update. We are currently working on translating our Title VI brochure in to Spanish.

Staff Training

Training will be provided to staff members on policies and procedures concerning language assistance and ways to determine whether an individual needs assistance services. The Department will provide training to employees who are likely to come in contact with LEP individuals and provide "I Speak Cards" to assist in identifying an LEP person's language. Subrecipient's participated in an overall Title VI training which included instructions on using

the LEP toolkit. Each subrecipient signed the sign-in sheet to show they participated in the training.

Monitoring and Updating the LEP Plan

The Department will provide notice of any changes in services to the LEP public and employees and develop a process for determining, on an ongoing basis, whether new documents, program services and activities need to be made accessible to LEP individuals. The Department will continuously evaluate the plan to determine if changes occurred in:

- The current LEP populations in the service area or population affected or encountered
- Frequency of encounters with LEP language groups
- Nature and importance of activities to LEP persons
- Available resources, including technological advances and sources of additional resources and the cost imposed
- The needs of LEP persons
- The staff's knowledge and understanding of the LEP plan and how it is implemented
- The identified sources for assistance, to ensure they are still available and viable

Voluntary Compliance and Reporting

UDOT Division Administrators and Managers, Subrecipients, Grantees, are responsible for ensuring that meaningful services to LEP persons are provided in their respective divisions/programs. **This Plan must be incorporated by reference into the appropriate UDOT procedure manuals in order to ensure that employees and subrecipients are aware of their obligations for compliance.**

The Civil Rights Office Title VI Compliance Specialist will monitor UDOT programs to ensure LEP requirements are fulfilled and report annually on the accomplishments related to LEP activities in the Title VI Assurance Update Report.

In monitoring compliance, an assessment will be made whether the program area's procedures allow LEP persons to overcome language barriers and participate in a meaningful way in the program activities and services. The program area's appropriate use of methods and options detailed in this LEP Plan will demonstrate their intent to comply with LEP requirements and Title VI of the Civil Rights Act of 1964.

As with all other activities associated with compliance under Title VI, the FTA is responsible for enforcement, and in some cases, investigation of complaints.

Presidential Executive Order (EO) 13166 – *Improving Access to Services for Persons with Limited English Proficiency* is directed at implementing the protections afforded by Title VI of

the Civil Rights Act of 1964 and related regulations. Discrimination in providing services to LEP persons is covered in Title VI under national origin discrimination.

The 1987 Civil Rights Restoration Act broadened the coverage of Title VI to include all of a federal fund recipient's programs and activities, whether they are federally funded or not. These requirements filter down through UDOT to all subrecipients including contractors, Metropolitan Planning Organizations, Local Governments, and Transit Authorities doing business on behalf of UDOT.

EO 13166 states that recipients must provide LEP persons an equal opportunity to benefit from and ensure *meaningful access* to its programs and services that are normally provided in English.

The following federal publications provide implementing guidance:

- US Department of Transportation Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons, Federal Register/Vol. 70, No. 239/December 2005
- US Department of Justice Policy Guidance, Enforcement of Title VI of the Civil Rights Act of 1964-National Origin Discrimination Against Persons With Limited English Proficiency, Federal Register/Vol. 65, No. 159, August 2000, www.usdoj.gov/crt/cor/
- US Department of Justice Clarifying Memo, dated October 26, 2001, www.usdoj.gov/crt/cor/lep/Oct26/

Technical Assistance

The UDOT Civil Rights Office Title VI Program is responsible for providing UDOT managers and staff with technical assistance. This includes advising about LEP requirements and implementation, and assisting in developing individual program area procedures to ensure compliance. In addition, the UDOT Civil Rights Office is responsible for providing subrecipients and grantees training and technical assistance with LEP requirements and responsibilities.

Complaint Process

UDOT's Title VI Policy, as outlined in its Title VI and Nondiscrimination Program, assures that no person or groups of persons shall, on the grounds of race, color and national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all transportation related programs or activities administered by UDOT, its recipients, subrecipients and programs provided by subrecipients, transit providers and contractors. In addition, Executive Order 12898 (Environmental Justice) prohibits discrimination based on income status.

A signed written complaint must be submitted within 180 calendar days of the alleged discriminatory act (or latest occurrence) to UDOT Civil Rights. Individuals may also file complaints directly to the Federal Transit Administration (FTA) within the 180 calendar day timeframe. The complaint should contain:

- Name, address, telephone number, and signature of complainant.
- Facts and circumstances surrounding the claimed discrimination, including date of allegations, and basis of race, color, or national origin.
- Any names of persons, if known, that the investigator could contact for additional information to support or clarify the allegations.
- Corrective action being sought by the complainant.

How Will A Complaint Be Resolved?

Within ten calendar days of receiving a written complaint, UDOT's Civil Rights Office will acknowledge receipt of the allegation, and inform the complainant of action taken or proposed action to process the allegation. If it is determined that UDOT has jurisdiction of the complaint, it will investigate and make recommendations for resolving it. Otherwise, the complaint will be forwarded to the FTA for investigation.

What If A Recipient Retaliates Against The Complainant For Filing A Complaint?

Federal laws prohibit a recipient of federal funds from retaliating against any person who has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing. Any complaints of retaliation should be directed to UDOT's Civil Rights Office immediately at (see below):

**Utah Transportation Department
Civil Rights Office
Attention: Title VI Compliance Specialist
P.O. Box 141520, Salt Lake City, UT 84114-1520
Phone: (801) 965-4384**

APPENDIX A – Executive Order (EO) 13166

IMPROVING ACCESS TO SERVICES FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP), it is hereby ordered as follows:

Section 1. Goals. The Federal Government provides and funds an array of services that can be made accessible to otherwise eligible persons who are not proficient in the English language. The Federal Government is committed to improving the accessibility of these services to eligible LEP persons, a goal that reinforces its equally important commitment to promoting programs and activities designed to help individuals learn English. To this end, each Federal agency shall examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the agency. Each Federal agency shall also work to ensure that recipients of Federal financial assistance (recipients) provide meaningful access to their LEP applicants and beneficiaries. To assist the agencies with this endeavor, the Department of Justice has today issued a general guidance document (LEP Guidance), which sets forth the compliance standards that recipients must follow to ensure that the programs and activities they normally provide in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations. As described in the LEP Guidance, recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

Section 2. Federally Conducted Programs and Activities. Each Federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities. Agencies shall develop and begin to implement these plans within 120 days of the date of this order, and shall send copies of their plans to the Department of Justice, which shall serve as the central repository of the agencies' plans.

Section 3. Federally Assisted Programs and Activities. Each agency providing Federal financial assistance shall draft title VI guidance specifically tailored to its recipients that is consistent with the LEP Guidance issued by the Department of Justice. This agency-specific guidance shall detail how the general standards established in the LEP Guidance will be applied to the agency's recipients. The agency-specific guidance shall take into account the types of services provided by the recipients, the individuals served by the recipients, and other factors set out in the LEP Guidance. Agencies that already have developed title VI guidance that the Department of Justice determines is consistent with the LEP Guidance shall examine their existing guidance, as well as their programs and activities, to determine if additional guidance is necessary to comply with this order. The Department of Justice shall consult with the agencies in creating their guidance and, within 120 days of the date of this order, each agency shall submit its specific guidance to the

Department of Justice for review and approval. Following approval by the Department of Justice, each agency shall publish its guidance document in the Federal Register for public comment.

Section 4. Consultations. In carrying out this order, agencies shall ensure that stakeholders, such as LEP persons and their representative organizations, recipients, and other appropriate individuals or entities, have an adequate opportunity to provide input. Agencies will evaluate the particular needs of the LEP persons they and their recipients serve and the burdens of compliance on the agency and its recipients. This input from stakeholders will assist the agencies in developing an approach to ensuring meaningful access by LEP persons that is practical and effective, fiscally responsible, responsive to the particular circumstances of each agency, and can be readily implemented.

Sec. 5. Judicial Review. This order is intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers or employees, or any person.

WILLIAM J. CLINTON

☐

ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.

1. Arabic

☐

Խոսողում՝ ենք նշում կատարեք այս քառակուսում,
եթե խոսում կամ կարդում եք հայերեն:

2. Armenian

☐

যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।

3. Bengali

☐

ល្អបញ្ជាក់ក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។

4. Cambodian

☐

Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro.

5. Chamorro

☐

如果你能读中文或讲中文，请选择此框。

6. Simplified Chinese

☐

如果你能讀中文或講中文，請選擇此框。

7. Traditional Chinese

☐

Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.

8. Croatian

☐

Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.

9. Czech

☐

Kruis dit vakje aan als u Nederlands kunt lezen of spreken.

10. Dutch

☐

Mark this box if you read or speak English.

11. English

☐

اگر خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بزنید.

12. Farsi

<input type="checkbox"/>	Cocher ici si vous lisez ou parlez le français.	13. French
<input type="checkbox"/>	Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.	14. German
<input type="checkbox"/>	Σημειώστε αυτό το πλαίσιο αν διαβάσετε ή μιλάτε Ελληνικά.	15. Greek
<input type="checkbox"/>	Make kazyè sa a si ou li oswa ou pale kreyòl ayisyen.	16. Haitian Creole
<input type="checkbox"/>	अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ।	17. Hindi
<input type="checkbox"/>	Kos lub voj no yog koj paub twm thiab hais lus Hmoob.	18. Hmong
<input type="checkbox"/>	Jelölje meg ezt a kockát, ha megérti vagy beszél a magyar nyelvet.	19. Hungarian
<input type="checkbox"/>	Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.	20. Ilocano
<input type="checkbox"/>	Marchi questa casella se legge o parla italiano.	21. Italian
<input type="checkbox"/>	日本語を読んだり、話せる場合はここに印を付けてください。	22. Japanese
<input type="checkbox"/>	한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.	23. Korean
<input type="checkbox"/>	ໄທ້ໝາຍໃສ່ຊ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືປາກພາສາລາວ.	24. Laotian
<input type="checkbox"/>	Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim.	25. Polish

<input type="checkbox"/>	Assinale este quadrado se você lê ou fala português.	26. Portuguese
<input type="checkbox"/>	Însemnați această casuță dacă citiți sau vorbiți românește.	27. Romanian
<input type="checkbox"/>	Пометьте этот квадратик, если вы читаете или говорите по-русски.	28. Russian
<input type="checkbox"/>	Обележите овај квадратик уколико читате или говорите српски језик.	29. Serbian
<input type="checkbox"/>	Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.	30. Slovak
<input type="checkbox"/>	Marque esta casilla si lee o habla español.	31. Spanish
<input type="checkbox"/>	Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog.	32. Tagalog
<input type="checkbox"/>	ให้กาเครื่องหมายลงในช่องสี่เหลี่ยมหรือพูดภาษาไทย.	33. Thai
<input type="checkbox"/>	Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.	34. Tongan
<input type="checkbox"/>	Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою.	35. Ukrainian
<input type="checkbox"/>	اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔	36. Urdu
<input type="checkbox"/>	Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.	37. Vietnamese
<input type="checkbox"/>	באצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש.	38. Yiddish